

THE TEXAS COURT OF APPEALS  
13TH COURT OF APPEALS

**13-20-00199-CV**

FILED IN  
13th COURT OF APPEALS  
CORPUS CHRISTI/EDINBURG, TEXAS  
6/22/2020 10:54:07 AM  
KATHY S. MILLS  
Clerk

CITY OF SAN ANTONIO AND BOARD OF ADJUSTMENT  
Appellant

V.

ARTURO LOPEZ AND ELIZABETH LOPEZ  
Appellee

Appealed from the 45<sup>th</sup> District Court  
Bexar County, Texas

**APPELLANT'S SECOND UNOPPOSED MOTION  
FOR EXTENSION OF TIME TO FILE OPENING BRIEF**

COMES NOW the City of San Antonio, Appellant, and respectfully requests that this Court extend the time to file Appellant's Opening Brief pursuant to Rule 10.5(b) of the Texas Rules of Appellate Procedure.

**A. Introduction**

1. Appellant is the City of San Antonio and the Board of Adjustment.  
Appellees are Arturo and Elizabeth Lopez.
2. Appellant submits this Motion so to request an extension of time to file Appellant CITY OF SAN ANTONIO's Opening Brief to the Court.

3. On June 19, 2020, Appellant conferred with Appellee's counsel, who is not opposed to the City's request for this extension.

#### **B. Argument and Authorities**

4. The Court may grant an extension of time under the authority of Texas Rule of Appellate Procedure, 38.6(d).

5. On June 3, 2020, this Court had previously extended the time related to the filing of this Opening Brief.

6. The Appellant's previous lead appellate attorney, Savita Rai, has suffered ill health and been placed in a hospital, necessitating trial co-counsel take over the task of writing this Appellate Brief.

7. The City of San Antonio requests an additional thirty (30) days to file Appellant's Opening Brief.

8. The request for additional time is not for purposes of undue delay but solely that justice may be served.

#### **C. Conclusion**

9. The City of San Antonio requests an extension to July 25, 2020 to file its Appellant's Opening Brief.

#### **D. Prayer**

10. For these reasons, the City of San Antonio asks the Court to grant the requested extension of time to file its Appellant's Opening Brief.

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully requests that this Court grant its Motion for Extension of Time and for such other and further relief to which it is justly entitled.

Respectfully submitted,

CITY OF SAN ANTONIO  
Andrew Segovia, City Attorney

/S/ Samuel C.W. Adams

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San Antonio and Board of Adjustment

**CERTIFICATE OF CONFERENCE**

On June 19, 2020, Counsel for Appellant conferred with Appellee's counsel, Samira Mery Lineberger, on this matter, and who does not oppose this request for more time.

/S/ Samuel C.W. Adams

Samuel C.W. Adams

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been served on the following on the 22<sup>nd</sup> day of June 2020: ***Appellant's 2<sup>nd</sup> Unopposed Motion for Extension of Time to File Opening Brief.***

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